

**IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

United States Court  
Southern District of Texas  
FILED

JUN 15 2015

**David J. Bradley, Clerk of Court**

# Michael A. McCann

## Creditor Not Debtor

**Plaintiff,**

**Vs.**

**UNITED STATES OF AMERICA dba  
INTERNAL REVENUE SERVICE**

**&**

**SPENCER PLANTATION  
INVESTMENTS, LTD.**

www.ck12.org

**Civil Action No. 4:15-cv-162**

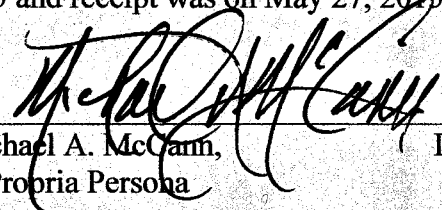
**TRIAL BY JURY IS REQUESTED HEREIN:**

## PROOF OF SERVICE

**SEE ATTACHED EXHIBIT "A"**

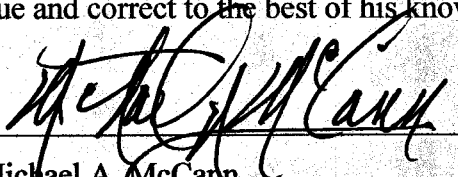
1. A copy of the petition and citation was mailed by certified mail, return receipt requested and regular mail to the Internal Revenue Service and David B. Mora, Special Assistant U.S. Attorney, 8701 South Gessner, Suite 710, Houston, Texas 77074, on the 19<sup>th</sup>. day of May, 2015 and receipt was on May 20, 2015.
2. A copy of the petition and citation was mailed by certified mail, return receipt requested and regular mail to John H. Greenberg, Registered Agent for SPENCER PLANTATION INVESTMENTS, LTD., (a Texas Limited Partnership, doing business in Brazoria County, Texas at 324 West Texas, Brazoria, Texas, 77422) on the 19<sup>th</sup>. day of May, 2015 and receipt was on May 21, 2015.

3. A copy of the petition and citation was mailed by certified mail, return receipt requested and regular mail to the George H. Rau, Jr. 2513 N. Velasco/P.O. Box 878, Angleton, Texas 77515, on the 19<sup>th</sup>. day of May, 2015 and receipt was on May 28, 2015.
4. A copy of the petition and citation was mailed by certified mail, return receipt requested and regular mail to Wayne G. DuBose, Jr., United States Attorney, dba Internal Revenue Service, 717 N. Harwood St., Suite 400, Dallas, Texas 75201, on the 19<sup>th</sup>. of May, 2015 and receipt was on May 21<sup>st</sup>., 2015.
5. A copy of the petition and citation was mailed by certified mail, return receipt requested and regular mail to United States Department of Justice, Office of the Attorney General, Honorable Loretta E. Lynch, 950 Pennsylvania Avenue, NW, Washington DC, 20530-0001 on the 20<sup>th</sup>. day of May, 2015 and receipt was on May 27, 2015.

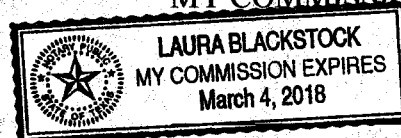
 6/15/2015  
\_\_\_\_\_  
Michael A. McCann, Date  
In Propria Persona

**ACKNOWLEDGMENT**

Before me, the undersigned NOTARY PUBLIC, in and for THE STATE OF TEXAS, Michael A. McCann personally appeared on June 15, 2015, and swore the facts stated herein are true and correct to the best of his knowledge and belief.

  
\_\_\_\_\_  
Michael A. McCann

  
\_\_\_\_\_  
NOTARY PUBLIC, STATE OF TEXAS  
MY COMMISSION EXPIRES \_\_\_\_\_



6-15 Date 15



### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the **PROOF OF SERVICE** has been forwarded via U.S. Postal Service First Class Mail on this 15<sup>TH</sup> day of June, 2015 to:

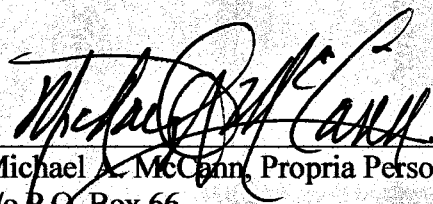
Internal Revenue Service and David B. Mora,  
Special Assistant U.S. Attorney  
8701 South Gessner, Suite 710  
Houston, Texas 77074

John H. Greenberg  
Registered Agent for SPENCER PLANTATION INVESTMENTS, LTD.,  
324 West Texas, Brazoria, Texas, 77422

George H. Rau, Jr.  
2513 N. Velasco/P.O. Box 878  
Angleton, Texas 77515

Wayne G. DuBose, Jr.,  
United States Attorney, dba Internal Revenue Service  
717 N. Harwood St., Suite 400  
Dallas, Texas 75201

United States Department of Justice  
Office of the Attorney General  
Honorable Loretta E. Lynch  
950 Pennsylvania Avenue, NW  
Washington DC, 20530-0001

A handwritten signature in black ink, appearing to read "Michael A. McCann", is written over a horizontal line.

Michael A. McCann, Propria Persona  
c/o P.O. Box 66  
Brazoria, Texas [77422]

# EXHIBIT A



**CAUSE NO. 79855-CV  
23rd District Court**

THE STATE OF TEXAS

CITATION

**TO: David B. Mora, Special Assist US Attorney**  
**By Serving Its Registered Agent: David B. Mora**  
**8701 S. Gessner, Suite 710**  
**Houston, TX 77074**

Defendant

**NOTICE:**

You have been sued. You may employ an attorney. If you or your attorney does not file a written answer with the Clerk who issued this Citation by 10:00 a.m. on the Monday next following the expiration of 20 days after you were served this Citation and Plaintiff's Sworn Original Petition to Quiet Title a Default Judgment may be taken against you. Said answer may be filed by mailing same to: District Clerk's office, 111 E. Locust, Room 500, Angleton, TX 77515-4678 or by bringing said answer in person to the aforementioned address. Our street address is 111 E. Locust, and we are located on the fifth floor of the Courthouse in Room 500.

The case is presently pending before the **23rd District Court** of Brazoria County sitting in Angleton, Texas, and was filed on the **22nd day of December, 2014**. It bears Cause No. **79855-CV** and Styled:

**MICHAEL MCCANN**  
**VS.**  
**SPENCER PLANTATION INVESTMENTS, LTD, ET AL**

The name and address of the Attorney filing this action (or Party, if Pro Se) is **Michael McCann, P.O. Box 66, Brazoria, TX 77422**.

The nature of the demands of said Plaintiff is shown by a true and correct copy of Plaintiff's Petition to be attached to this Citation by Plaintiff's attorney.

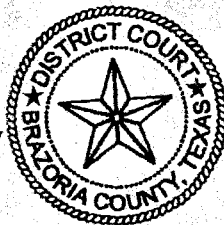
Issued under my hand and the seal of said Court, at Angleton, Texas, on the **18th day of May, 2015**.

**RHONDA BARCHAK, DISTRICT CLERK**  
**Brazoria County, Texas**

By

  
Cheyenne Gonzalez

Deputy



- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

DAVID B. MORA  
SPECIAL ASSIST TO US Atty.  
8701 S. GESSNER  
SUITE 710  
HOUSTON, TX. 77074

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

Houston Alliance

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

J. Cearley

3. Service Type

☐ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7004 1160 0004 4864 3756

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

U.S. Postal Service™  
CERTIFIED MAIL™ RECEIPT  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

BRZ001A TX 77074 \$0.00

7004 1160 0004 4864 3756

Postage	\$	\$8.24
Certified Fee		\$2.50
Return Receipt Fee (Endorsement Required)		\$2.50
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$13.24

Postmark Here

MAY 2015

Special Assist US

Sent To  
David B. Mora  
8701 S. GESSNER  
SUITE 710  
HOUSTON TX. 77074

PS Form 3800, June 2002 See Reverse for Instructions

**CAUSE NO. 79855-CV  
23rd District Court****THE STATE OF TEXAS****CITATION**

**TO: Spencer Plantation Investments, LTD  
By Serving Its Registered Agent John H. Greenberg  
314 W. Texas  
Brazoria, Texas 77422**

**Defendant****NOTICE:**

You have been sued. You may employ an attorney. If you or your attorney does not file a written answer with the Clerk who issued this Citation by 10:00 a.m. on the Monday next following the expiration of 20 days after you were served this **Citation and Plaintiff's Sworn Original Petition to Quiet Title** a Default Judgment may be taken against you. Said answer may be filed by mailing same to: District Clerk's office, 111 E. Locust, Room 500, Angleton, TX 77515-4678 or by bringing said answer in person to the aforementioned address. Our street address is 111 E. Locust, and we are located on the fifth floor of the Courthouse in Room 500.

The case is presently pending before the **23rd District Court** of Brazoria County sitting in Angleton, Texas, and was filed on the **22nd day of December, 2014**. It bears Cause No. **79855-CV** and Styled:

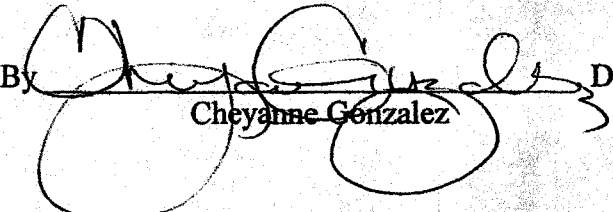
**MICHAEL MCCANN  
VS.  
SPENCER PLANTATION INVESTMENTS, LTD, ET AL**

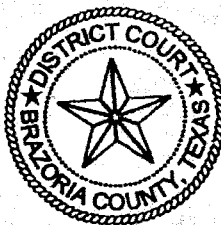
The name and address of the Attorney filing this action (or Party, if Pro Se) is **Michael McCann, P.O. Box 66, Brazoria, TX 77422**.

The nature of the demands of said Plaintiff is shown by a true and correct copy of Plaintiff's Petition to be attached to this Citation by Plaintiff's attorney.

Issued under my hand and the seal of said Court, at Angleton, Texas, on the **18th day of May, 2015**.

**RHONDA BARCHAK, DISTRICT CLERK  
Brazoria County, Texas**

By  Deputy  
Cheyenne Gonzalez

**ORIGINAL**



- SENDER: COMPLETE THIS SECTION
- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
  - Print your name and address on the reverse so that we can return the card to you.
  - Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

SPENCER PLANTATION LUMBER, LTD  
314 W. TEXAS  
BRAXORIA TX.  
77422

A. Signature

*Jonathan Charpage*

☐ Agent  
☐ Addressee

B. Received by (Printed Name)

*Jonathan Charpage*

C. Date of Delivery

*5/21/15*

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☐ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number

(Transfer from service label)

7004 1160 0004 4864 3787

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

U.S. Postal Service<sup>TM</sup>  
**CERTIFIED MAIL<sup>TM</sup> RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Sent To  
*SPENCER PLANTATION*  
Street, Apt. No.  
or PO Box  
*314 W. TEXAS*  
City, State, ZIP+4  
*BRAXORIA TX 77422*

PS Form 3800, June 2002 See Reverse for Instructions



**CAUSE NO. 79855-CV  
23rd District Court**

THE STATE OF TEXAS

CITATION

**TO: George H. Rau, Jr.**  
**By Serving Its Registered Agent: John H. Greenberg**  
**2513 N. Velasco/P.O. Box 878**  
**Angleton, Texas 77515**

Defendant

**NOTICE:**

You have been sued. You may employ an attorney. If you or your attorney does not file a written answer with the Clerk who issued this Citation by 10:00 a.m. on the Monday next following the expiration of 20 days after you were served this Citation and Plaintiff's Sworn Original Petition to Quiet Title a Default Judgment may be taken against you. Said answer may be filed by mailing same to: District Clerk's office, 111 E. Locust, Room 500, Angleton, TX 77515-4678 or by bringing said answer in person to the aforementioned address. Our street address is 111 E. Locust, and we are located on the fifth floor of the Courthouse in Room 500.

The case is presently pending before the **23rd District Court** of Brazoria County sitting in Angleton, Texas, and was filed on the **22nd day of December, 2014**. It bears Cause No. **79855-CV** and Styled:

**MICHAEL MCCANN**  
**VS.**  
**SPENCER PLANTATION INVESTMENTS, LTD, ET AL**

The name and address of the Attorney filing this action (or Party, if Pro Se) is **Michael McCann, P.O. Box 66, Brazoria, TX 77422**.

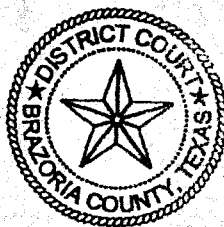
The nature of the demands of said Plaintiff is shown by a true and correct copy of Plaintiff's Petition to be attached to this Citation by Plaintiff's attorney.

Issued under my hand and the seal of said Court, at Angleton, Texas, on the **18th day of May, 2015**.

**RHONDA BARCHAK, DISTRICT CLERK**  
**Brazoria County, Texas**

By  Deputy

Cheyanne Gonzalez



- SENDER COMPLETE THIS SECTION
- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
  - Print your name and address on the reverse so that we can return the card to you.
  - Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

GEORGE H. Rau, Jr.  
2573 N. Velasco  
P.O. Box 878  
Angleton, TX. 77515

## 2. Article Number

(Transfer from service label)

7004 1160 0004 4864 3770

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

## COMPLETE THIS SECTION ON DELIVERY

## A. Signature

x *B. McCall*☐ Agent☒ Addressee

## B. Received by (Printed Name)

*B. McCall*

## C. Date of Delivery

*6/28/15*

## D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☒ No

## 3. Service Type

☐ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

## 4. Restricted Delivery? (Extra Fee)

☐ Yes

U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website: [www.usps.com](http://www.usps.com)

ANGLETON TX 77515

Postage	\$	\$2.24
Certified Fee	\$	\$3.30
Return Receipt Fee (Endorsement Required)	\$	\$2.70
Restricted Delivery Fee (Endorsement Required)	\$	\$0.00
Total Postage & Fees	\$	\$8.24

Postmark Here: 05/19/2015

Signature: *George H. Rau, Jr.*

Print Name: *George H. Rau, Jr.*

Address: *2573 N. Velasco, P.O. Box 878*

City, State, ZIP+4: *Angleton TX 77515*

PS Form 3800, June 2002 See Reverse for Instructions



**CAUSE NO. 79855-CV  
23rd District Court**

THE STATE OF TEXAS

CITATION

TO: **United States**  
**By Serving Its Registered Agent: US Atty for the Dept. of Justice**  
**Wayne G. DuBose, Jr.**  
**717 N. Harwood St, Suite 400**  
**Dallas, Texas 75201**

Defendant

**NOTICE:**

You have been sued. You may employ an attorney. If you or your attorney does not file a written answer with the Clerk who issued this Citation by 10:00 a.m. on the Monday next following the expiration of 20 days after you were served this **Citation and Plaintiff's Sworn Original Petition to Quiet Title** a Default Judgment may be taken against you. Said answer may be filed by mailing same to: District Clerk's office, 111 E. Locust, Room 500, Angleton, TX 77515-4678 or by bringing said answer in person to the aforementioned address. Our street address is 111 E. Locust, and we are located on the fifth floor of the Courthouse in Room 500.

The case is presently pending before the **23rd District Court** of Brazoria County sitting in Angleton, Texas, and was filed on the **22nd day of December, 2014**. It bears Cause No. **79855-CV** and Styled:

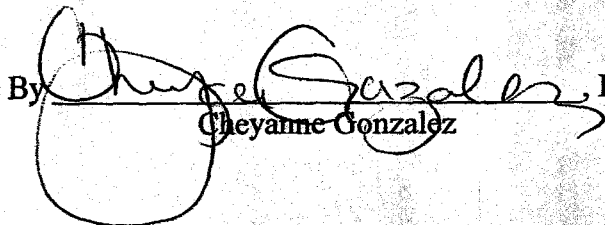
**MICHAEL MCCANN**  
**VS.**  
**SPENCER PLANTATION INVESTMENTS, LTD, ET AL**

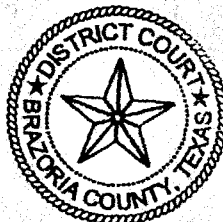
The name and address of the Attorney filing this action (or Party, if Pro Se) is **Michael McCann, P.O. Box 66, Brazoria, TX 77422**.

The nature of the demands of said Plaintiff is shown by a true and correct copy of Plaintiff's Petition to be attached to this Citation by Plaintiff's attorney.

Issued under my hand and the seal of said Court, at Angleton, Texas, on the **18th day of May, 2015**.

**RHONDA BARCHAK, DISTRICT CLERK**  
**Brazoria County, Texas**

By  Deputy  
Cheyenne Gonzalez



- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

WAYNE G. DUBOSE, JR.  
717 N. HARWOOD ST.  
SUITE 400  
DALLAS, TEXAS 75201

2. Article Number

(Transfer from service label)

7004 1160 0004 4864 3763

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

A. Signature

☒ Agent  
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☐ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

U.S. Postal Service™

## CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

DALLAS TX 75201

Postage \$2.15  
 Certified Fee \$3.50  
 Return Receipt Fee (Endorsement Required) \$0.60  
 Restricted Delivery Fee (Endorsement Required) \$0.65  
 Total Postage & Fees \$6.90

\$2.15  
 \$3.50  
 \$0.60  
 \$0.65  
 \$6.90

0422  
 DALLAS TX 75201  
 07 MAY 2015  
 05/19/2015

Sent to

Wayne G. Dubose, Jr.  
 717 N. Harwood St., #400  
 Dallas, Texas 75201

PS Form 3800, June 2002

See Reverse for Instructions



**CAUSE NO. 79855-CV  
23rd District Court**

**THE STATE OF TEXAS**

**CITATION**

**TO: U.S. Department of Justice, Office of the Attorney General  
By Serving Its Registered Agent: The Honorable Loretta E.  
Lynch, Attorney General  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530-0001**

**Defendant**

**NOTICE:**

You have been sued. You may employ an attorney. If you or your attorney does not file a written answer with the Clerk who issued this Citation by 10:00 a.m. on the Monday next following the expiration of 20 days after you were served this Citation and Plaintiff's Sworn Original Petition to Quiet Title a Default Judgment may be taken against you. Said answer may be filed by mailing same to: District Clerk's office, 111 E. Locust, Room 500, Angleton, TX 77515-4678 or by bringing said answer in person to the aforementioned address. Our street address is 111 E. Locust, and we are located on the fifth floor of the Courthouse in Room 500.

The case is presently pending before the **23rd District Court** of Brazoria County sitting in Angleton, Texas, and was filed on the **22nd day of December, 2014**. It bears Cause No. **79855-CV** and Styled:

**MICHAEL MCCANN  
VS.**

**SPENCER PLANTATION INVESTMENTS, LTD, ET AL**

The name and address of the Attorney filing this action (or Party, if Pro Se) is **Michael McCann, P.O. Box 66, Brazoria, TX 77422**.

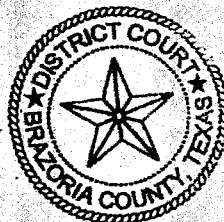
The nature of the demands of said Plaintiff is shown by a true and correct copy of Plaintiff's Petition to be attached to this Citation by Plaintiff's attorney.

Issued under my hand and the seal of said Court, at Angleton, Texas, on the **20th day of May, 2015**.

**RHONDA BARCHAK, DISTRICT CLERK  
Brazoria County, Texas**

By  Deputy

**Cheyanne Gonzalez**



<p><b>SENDER COMPLETE THIS SECTION</b></p> <ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		<p><b>COMPLETE THIS SECTION ON DELIVERY</b></p> <p>A. Signature <span style="float: right;"><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</span></p> <p>X <i>Cal. Jones</i></p> <p>B. Received by (Printed Name) <span style="float: right;">C. Date of Delivery</span></p> <p><i>MAY 27 2015</i></p> <p>D. Is delivery address different from item 4? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If YES, enter delivery address below:</p>	
<p>1. Article Addressed to:</p> <p><b>U.S. DEPARTMENT OF JUSTICE OFFICE OF THE ATTORNEY GENERAL HONORABLE LORETTA E. LYNCH 950 PENNSYLVANIA AVENUE, NW WASHINGTON, DC 20530-0001</b></p>		<p>Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <span style="float: right;"><input type="checkbox"/> Express Mail</span></p> <p><input type="checkbox"/> Registered <span style="float: right;"><input type="checkbox"/> Return Receipt for Merchandise</span></p> <p><input type="checkbox"/> Insured Mail <span style="float: right;"><input type="checkbox"/> C.O.D.</span></p>	
<p>2. Article Number (Transfer from service label)</p> <p><b>7004 1160 0004 4864 3800</b></p>		<p>4. Restricted Delivery? (Extra Fee) <span style="float: right;"><input type="checkbox"/> Yes</span></p>	

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**U.S. Postal Service™**

**CERTIFIED MAIL™ RECEIPT**

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$2.30
Certified Fee	\$3.45
Return Receipt Fee (Endorsement Required)	\$2.80
Restricted Delivery Fee (Endorsement Required)	\$0.00
<b>Total Postage &amp; Fees</b>	<b>\$8.55</b>

Postmark Here: *0422 09 08 15*

Sent to: *Attorney General, Dept of Justice*

Street, Apt. No. or P.O. Box: *950 Pennsylvania Ave, NW*

City, State, ZIP+4: *Washington, DC 20530-0001*

PS Form 3800, June 2002 See Reverse for Instructions